

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Ensure Safe Drinking Water for Maine Families**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 22 MRSA §566**, as amended by PL 1999, c. 62, §2, is further amended to read:

### **§ 566. Record of tests for water samples**

A person requesting a water sample test must indicate the source of the water sample. A laboratory that tests any public water system for drinking water program compliance mandates, or any residential private drinking water well for contaminants identified by the department pursuant to section 2660-T, shall forward a copy of the test results to the department.

**Sec. 2. 22 MRSA §2601-A**, as enacted by PL 1999, c. 761, §1, is amended to read:

### **§ 2601-A. Scope**

This chapter establishes a system designed to help ensure public health; to allow the State, municipalities and public water systems to identify significant public water supplies and strive for a higher degree of protection around source water areas or areas that are used as public drinking water supplies; ~~and~~ to allow the State, municipalities and water systems to pursue watershed or wellhead protection activities around significant public water supplies; and to improve testing for and treatment of contaminants in residential private drinking water wells.

**Sec. 3. 22 MRSA §2602-A, sub-§1**, as enacted by PL 1983, c. 837, §1, is amended to read:

**1. Purpose.** The Legislature finds that there is a growing threat to the ~~state's~~State's drinking water from a variety of contaminants and that testing of private residential water supplies ~~may be~~is necessary ~~under certain circumstances~~ to protect the public health. The Legislature recognizes that certain testing may be prohibitively expensive and accordingly provides for state-funded testing as set forth in this section.

**Sec. 4. 22 MRSA c. 601, sub-c. 8** is enacted to read:

## **SUBCHAPTER 8**

### **SAFE DRINKING WATER FROM RESIDENTIAL PRIVATE WELLS**

#### **§ 2660-S. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Private drinking water well.** "Private drinking water well" has the same meaning as in Title 38, section 1392, subsection 8.

## **§ 2660-T. Uniform testing recommendation; specified contaminants**

The department shall develop a uniform recommendation for the testing of specific contaminants that should be periodically tested for in residential private drinking water wells. The uniform recommendation must specify contaminants that should be included in the periodic testing, including but not limited to arsenic, uranium, manganese, fluoride and radon, unless the department determines that testing for a contaminant listed in this section is not necessary based on previous test results or credible scientific evidence. A person who recommends or provides testing of or provides education or advertisements related to testing of a residential private drinking water well shall clearly identify the uniform testing recommendation developed by the department pursuant to this section.

## **§ 2660-U. Fees**

The department shall establish a fee schedule in accordance with this section.

**1. Water testing.** A person who tests water samples shall pay a fee not to exceed \$5 to the department for each test of a water sample from a residential private drinking water well for one or more of the contaminants specified in section 2660-T. The fees collected must be credited to the Private Well Safe Drinking Water Fund established in section 2660-X and used for the purpose of increasing testing of residential private drinking water wells. If more than one test is conducted of a water sample from the same residential private drinking water well, the department shall waive payment of a fee established under this subsection for a one-year period.

**2. Water treatment.** A person who sells and installs water treatment equipment to reduce the level of contaminants specified in section 2660-T in residential private drinking water wells shall pay a fee not to exceed 3% of the total cost of each installation. The fees collected must be credited to a separate account in a water treatment fund established by the Maine State Housing Authority pursuant to Title 30-A, section 4741, subsection 19. The fees may be used for the sole purpose of providing persons of low income with affordable water treatment for residential private drinking water wells that have exceeded health guidance levels for one or more of the contaminants specified pursuant to section 2660-T.

Fees established under this section are in addition to fees under section 2602-A. The department shall grant a waiver of the fee established under subsection 1 to a person who qualifies for a waiver of water testing fees pursuant to section 2602-A.

## **§ 2660-V. Educational outreach**

Within available resources, the department shall revise and update its education and outreach materials and conduct educational outreach regarding residential private drinking water wells, including the need to conduct testing for contaminants specified pursuant to section 2660-T, the potential health effects of those contaminants and options for water treatment to reduce the level of those contaminants.

## **§ 2660-W. Rental property**

The landlord of a dwelling that is rented for human habitation and for which the water supply is a residential private drinking water well shall disclose to each tenant of the dwelling the results of a water test conducted within the previous 3 years for the contaminants specified pursuant to section 2660-T.

### **§ 2660-X. Private Well Safe Drinking Water Fund**

**1. Fund established.** The Private Well Safe Drinking Water Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund for the purposes specified in this section.

**2. Sources of fund.** The fund is funded from all fees collected under section 2660-U, subsection 1 and from other funds accepted by the commissioner or allocated or appropriated by the Legislature. The commissioner may accept donations or grants to the fund from any source.

**3. Purposes.** Allocations from the fund must be made for the following purposes:

A. To improve the rate of testing of residential private drinking water wells for contaminants specified pursuant to section 2660-T;

B. For educational outreach programs consistent with section 2660-V; and

C. To defray the department's costs in administering this subchapter.

**4. Administration.** The division of environmental health within the department shall administer the fund allocations with the review and advice of an advisory committee established by the department. Preference in allocating funds must be given to community-based programs that reach high-risk or underserved populations. The department may contract for professional services to carry out the purposes of this section.

### **§ 2660-Y. Rules**

The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A necessary to administer and enforce this subchapter. The rules may address, but are not limited to, testing recommendations for contaminants specified pursuant to section 2660-T, water sample test reporting and fee schedules.

**Sec. 5. 30-A MRSA §4741, sub-§19** is enacted to read:

**19. Water treatment fund.** The Maine State Housing Authority shall establish and administer a water treatment fund in accordance with Title 22, section 2660-U, subsection 2.

**Sec. 6. 32 MRSA §4700-O** is enacted to read:

### **§ 4700-O. Drinking water well test**

Upon completing construction of a residential private drinking water well or the enlarging or deepening of an existing residential private drinking water well, a well drilling company shall request a laboratory that is certified or accredited pursuant to Title 22, section 567 to conduct a water sample test

of the well water for the contaminants specified by the department pursuant to Title 22, section 2660-T. The laboratory shall provide the test results and information supplied by the department on the potential health effects of consumption of contaminated water to the owner of the well with a copy of the test results forwarded to the department pursuant to Title 22, section 566.

**Sec. 7. 33 MRSA §173, sub-§1, ¶¶D and E**, as enacted by PL 1999, c. 476, §1, are amended to read:

D. The date of the most recent water test, ~~if any~~; and

E. Whether the seller has experienced a problem such as an unsatisfactory water test or a water test with notations; and

**Sec. 8. 33 MRSA §173, sub-§1, ¶F** is enacted to read:

F. The results of a water test conducted within the previous 3 years for the contaminants specified pursuant to Title 22, section 2660-T.

**Sec. 9. Water testing guide update.** The health and environmental testing laboratory within the division of public health systems, Maine Center for Disease Control and Prevention, Department of Health and Human Services shall update its water testing guide and related information on its publicly accessible website for consistency with this Act. For testing of water samples from residential private drinking water wells as defined in the Maine Revised Statutes, Title 22, section 2660-S, subsection 1, such update shall ensure a clear, simple to understand and prominent recommendation for testing consistent with Title 22, section 2660-T. The laboratory shall consult with relevant personnel within the division of environmental health, Maine Center for Disease Control and Prevention, Department of Health and Human Services prior to the update required by this section to ensure that the revised information constitutes an effective environmental public health communication.

## SUMMARY

This bill improves testing for and treatment of contaminants in residential private drinking water wells that are otherwise exempt from state and federal safe drinking water laws.

The bill requires the Department of Health and Human Services to develop a uniform testing recommendation for testing of residential private drinking water wells.

The bill requires testing when residential private drinking water wells are constructed.

The bill establishes the Private Well Safe Drinking Water Fund to support educational outreach and to improve testing rates of residential private drinking water wells. The fund is funded by fees on the testing of residential private drinking water wells.

The bill establishes a fund within the Maine State Housing Authority funded by fees on the installation of water treatment equipment for the purpose of providing persons of low income with affordable water treatment.

The bill requires the department to conduct educational outreach regarding the potential health effects of contaminants and the need for testing and treatment of residential private drinking water wells.